

In the United States Court of Federal Claims

<p style="text-align: center;">* * * * *</p> <p>MANETIRONY CLERVRAIN,</p> <p style="text-align: center;">Plaintiff,</p> <p style="text-align: center;">v.</p> <p>UNITED STATES,</p> <p style="text-align: center;">Defendant.</p> <p style="text-align: center;">* * * * *</p>	<p>* * * * * * * * * * *</p>	<p>No. 21-1919C</p> <p>Filed: January 4, 2022</p>
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O R D E R

On September 27, 2021, plaintiff filed the above captioned case, and approximately two weeks later, on October 12, 2021, plaintiff submitted four separate submissions to the Clerk's Office: a notice, a "Motion for Congressional Power," a "Motion for Unreasonable Classification Act," a "Motion for Common Sense." Additionally, on October 12, 2021, the Clerk's Office received seven applications to proceed in forma pauperis from non-parties. On October 13, 2021, two additional applications to proceed in forma pauperis were submitted from non-parties. The Clerk's Office did not file any the submissions because there are no provisions in the Rules of the United States Court of Federal Claims for plaintiff's filings, nor is there a provision in the court's Rules for non-parties to file in forma pauperis. On October 15, 2021, the instructed the Clerk's Office to reject all 13 submissions.

On November 18, 2021, defendant filed a motion to dismiss plaintiff's complaint. In response, plaintiff submitted a submission to the Clerk's Office titled: "**MOTION FOR ['EXTENTION', 'EXTENDED PAGES LIMITATIONS'] OR ['CONTRACT VIOLATIONS OPPOSING JURISDICTION BY THE ANT(s) COMMUNITY ACT ('TACA').**"¹ On December 13, 2021, the court instructed the Clerk's Office to return the submission as it did not comply with the Rules of the United States Court of Federal Claims, and because the submission did not articulated what relief was requested by plaintiff. The December 13, 2021 Order noted that plaintiff's response to the defendant's motion to dismiss remained due by December 20, 2021.

On December 27, 2021, a week after the deadline to file a response to the motion to dismiss, plaintiff submitted three submissions to the Clerk's Office titled: "**MOTION FOR ['EXTENTION', 'EXTENDED PAGES LIMITATIONS'] OR ['CONTRACT VIOLATIONS OPPOSING JURISDICTION BY THE ANT(s) COMMUNITY ACT ('TACA'),**" "**MOTION FOR ['ALIEN STATUS'] OR ['PAUPERIS STATUS'] OR CRITERIA TO CONSIDER BY INVOKING THE ANT(s) MOVEMENT ACT ('TAMA'),**" and "**MOTION (s) FOR ['THE ANSWER ACT'] ('TAA') OR ['ADDITIONAL DEFENDANTS'] ACT('ADA') BY THE**

¹ Capitalization, grammar, punctuation, spelling, emphasis, and choice of words when quoted in this Order are as they originally appear in plaintiff's submission to this Clerk.

TREATIES MOVEMENT PROTECTIVE ACT ('TMPA')." The Clerk's Office did not file the submissions because plaintiff's submissions did not comply with the Rules of the United States Court of Federal Claims (RCFC). Specifically, plaintiff's submissions did not comply with RCFC 5.4(a), as each submission was missing an index or appendix.

Moreover, the court notes that the **"MOTION FOR ['EXTENTION', 'EXTENDED PAGES LIMITATIONS'] OR ['CONTRACT VIOLATIONS OPPOSING JURISDICTION BY THE ANT(s) COMMUNITY ACT ('TACA'),"** was virtually identical to the previously submitted version of the **"MOTION FOR ['EXTENTION', 'EXTENDED PAGES LIMITATIONS'] OR ['CONTRACT VIOLATIONS OPPOSING JURISDICTION BY THE ANT(s) COMMUNITY ACT ('TACA'),"** with the only apparent difference was to include defendant's counsel of record's name on the certification of service page. In both versions, the certification of service is listed as March 15, 2021, which the court notes is before the above captioned case was even filed in this court. As noted in the December 13, 2021 Order, although framed as a **"MOTION FOR ['EXTENTION', 'EXTENDED PAGES LIMITATIONS'],"** the only reference to an extension in the body of the motion is:

The plaintiff, [***Manetirony Clervrain***], Who is the [***activist(s)***] or (***The Ant(s)***); (***The Humanitarian(s)***); (***The father(s)***): (***The Husband(s)***); (***The Minor(s)***): (***The Children***): (***The Representative(s)***): or (***The Attorney(s)***): or (***The Competent(s)***); (***The Protected Classes (s)***); or (***The Indigent(s)***) or (***The litigantor(s)***) or (***The Speaker(s)***); or (***the inventor(s)***): or (***The devleoper(s)***): or (***The Declarant(s)***), (***The Brother(s)***], and (***The Teacher(s)***], therefore, he is praying these honorable courts to consider these motions for general reliefs, to be included [***Appointment of Counsel***] for trial procedures only, and only the process of his intellectual registration and corporation worldwide, and [***Extension***] because the complexity of the cases required to be scheduled, and for [***Extended pages limitation***] because the evidence is so voluminous, pending for the agencies to release additional records, as well for each of the court to [***consolidated***] the their cases in their own jurisdiction pending to filed additional one against each of the judicial officials, to justify the alleged interest of justice, and for the defendants across the country to certify the cases for [***Trust certifications***] or for [***Hiring process***], [***development***], [***security***] and to Housing, Medical concerns, if so required, and for certification under Article III is presenting for [***Money-Mandating Source of Law***], If the suits in this court depends upon a substantive source of law that can be fairly interpreted as mandating the payment of monetary damages, and it is clear that the amount requested is not unreasonable for the various constitutional violations address by [***one***], or evidence of [***class of one***], for mitigating crimes by the officials, caused the various individual to be deported by means of controlling theory, under plaintiff's logic, all sources of law relating to the various departments in government with missions to assist persons would be money-mandating.

The second of the three submissions, the **“MOTION FOR [‘ALIEN STATUS’] OR [‘PAUPERIS STATUS’] OR CRITERIA TO CONSIDER BY INVOKING THE ANT(s) MOVEMENT ACT (‘TAMA’),”** begins:

I. Notice is hereby given that [***“Manetirony Clervrain”***] is the [***“prolific litigant”***] to support the arguments by [***“Intellect Intent”***] that the plaintiff(s) must have adequate access to electronic court resources, and these courts must noted that most of cases filed in these court were filed against the various judicial officials and would, therefore, have bearing on the plaintiff(s) right of access to the courts while committed to the cases and control of the [***“Protected class(s)”***] or for reopening ,or which is presenting to the courts as part as part of the controversies, or upon reliefs can be granted by the [***“National Issues Regulations Treaties Act”***] [(“NIRTA”)”, which named as the attorney-in-fact and which gave him authority to delegate authority to another, generally speaking, our law regards as valid and enforceable as a power of attorney any written instrument signed by the principal and `expressing plainly the authority conferred, that is to say that gave him the authority to act on his father's behalf concerning his financial and business affairs, not to exclude access to the courts, moreover, the power of attorney must be a writing that "(a) authorizes an attorney-in-fact or other agent to do, execute or perform any act that the principal might or could do, or (b) evidences the principal's intent to give the attorney-in-fact or agent full power to handle the principal's affairs as such being the cases to be enforcing the Clause. congress does enforce a constitutional right by changing what? right has been given the power to enforce legal rights only in such exceptional circumstances. . . .

Finally, the third of the three submissions, the **“MOTION (s) FOR [‘THE ANSWER ACT’] (‘TAA’) OR [‘ADDITIONAL DEFENDANTS’] ACT(‘ADA’) BY THE TREATIES MOVEMENT PROTECTIVE ACT (‘TMPA’),”** begins

I. Notice is hereby given that [***“Manetirony Clervrain”***] is the [***“Prolific Litigant”***] to support the arguments by [***“Intellect Intent”***] that is for additional damages against the defendants (s), they are the politicians in the State of Illinois among the others across the country, in particular, or we asking for their assistant or a supporter to the movement. . . .

The **MOTION (s) FOR [‘THE ANSWER ACT’] (‘TAA’) OR [‘ADDITIONAL DEFENDANTS’] ACT(‘ADA’) BY THE TREATIES MOVEMENT PROTECTIVE ACT (‘TMPA’),”** also states:

The plaintiff , [***“Manetirony Clervrain”***] , Who is the [***“activist(s)”***] or (***“The Ant(s)”***); (***“The Humanitarian(s)”***) ; (***“The father(s)”***): (***“The Husband(s)”***); (***“The Minor(s)”***) : (***“The Children”***) : (***“The Representative(s)”***) : or (***“The Attorney(s)”***): or (***“The Competent(s)”***) ; (***“The Protected Classes (s)”***) ; or (***“The Indigent(s)”***) or (***“The litigantor(s)”***) or (***“The Speaker(s)”***) ; or

("the inventor(s)") : or ("The devleoper(s)"): or ("The Declarant(s)"), and ("The Brother(s)"), and he is praying these honorable courts to consider these motions for ["**Docket Statements**"]; ["**Electronic Fillings**"], and ["**Management cost**"], or ["**Equitable Reliefs**"] pending to file additional motions as matter to litigate in favor of ["**Humanitarian Reasons**"], ["**Family Unity**"] And ["**Public interest**"], and to stop mass deportation across the country, in particularly for for the Haitian People currently suffered unjust classification pending to prove additional claims in such matters for ["**Commonwealth of Haiti**"], because of their status of African, they are being excluded, and remanded the cases for further analysis within the same question of law and fact, and to certify the cases for Article III Standing, and for Supreme court to intervene or controversy concern, as well as equitable relief, and for the Enactment of the or for protection against governmental brutality by secretive Crimes, or to protect innocent individuals, that certainly can not be frivolous with the meaning of the plain meaning of the statutes being challenged, and for the courts to vacant their illegal judgments, or for the purpose to evaluate additional facts that the defendants must response the claims before dismissal with or without prejudice or to review the claims with oral arguments, and evidentiary hearing, in light of the circumstances represent for to waiver any against Crimes of Apartheid, or to litigate without any further ["**Undue financial burdens**"], for equitable reliefs to administer inventions rights and to question the agencies, if the administrative records will prevail the facts, or if the circumstantial evidence that the plaintiff is victim of crimes by the defendants action and intentional restrict him to litigate by unjust restriction so that the evidence will not expose to the public with this this motions as affidavit, because the evidence on the courts records are substantial by declaring that the ["defendants"] are very corrupted for which these courts have additional jurisdiction for questioning the merits on his cases, and for controversy within these motions that being restricted by the defendants actions or they are interfering with illegal laws for additional venue by courts to inform the defendants the laws are illegal Per Se is within this case for national reliefs. . . .

For all three submissions, the plaintiff's submissions are not responsive to the defendant's motion to dismiss, nor, given the rambling rhetoric of plaintiff's complaint, does the complaint in this case appear to raise issues within the jurisdiction of the court. The defendant's motion to dismiss notes:

The complaint does not identify a viable contract with the United States or a money-mandating source of law, as required by the Tucker Act. Mr. Clervrain's complaint is difficult to understand and consists mostly of disjointed citations to purported legal authorities, many of which appear to be fictional. In his conclusion, Mr. Clervrain asks the Court to amend the Civil Rights Act to add Haiti as the fifty-first state.

A search of the Public Access to Court Electronic Records (PACER) website reveals that Mr. Clervrain has filed a similar complaint over 100 times in Federal courts throughout the country. On the same day Mr. Clervrain initiated this case, a Federal district court in Missouri dismissed his complaint as “frivolous” and noted that he had filed “similar cases in federal courts across the country.” Order, *Clervrain v. United States*, No. 2:21-cv-04175-NKL (W.D. Mo. Sep. 27, 2021), ECF No. 2. Earlier this year, a Federal district court in Tennessee noted that Mr. Clervrain “has long been deemed a three-striker who has abused the judicial process” with “jabberwocky.” Mem. Op. at 2, *Clervrain v. Lee*, No.: 3:20-CV-548-TAV-DCP (E.D. Tenn. Jan. 14, 2021), ECF 6 (citations omitted). Since he filed this lawsuit, Mr. Clervrain has initiated six additional cases in Federal courts in Oklahoma, West Virginia, Florida, Virginia and two in Pennsylvania.

(internal citation omitted). In addition, defendant’s motion to dismiss states

the basis of Mr. Clervrain’s complaint is unclear, although it appears to reference concepts related to civil rights, criminal, and tort law. It is clear, however, that Mr. Clervrain’s complaint is not based on an express or implied-in-fact contract with the United States or a money-mandating provision of law as required by the Tucker Act. This Court thus lacks jurisdiction to consider this complaint and should dismiss it pursuant to RCFC 12(b)(1).

(internal citation omitted). Based on the filings submitted to the court, the defendant’s motion to dismiss is **GRANTED**. Plaintiff’s complaint is **DISMISSED**, without prejudice. The Clerk of the Court shall enter **JUDGMENT** consistent with this Order.

IT IS SO ORDERED.

s/Marian Blank Horn
MARIAN BLANK HORN
Judge